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GOING OVER
CASE AGAINNew Juror in Pearl
Harbor Suit
Drawn.MORE ESTIMATES
ARE GIVENJuror Prescott Discharged and En-
tire Proceedings Being Read
to New Juror.

As a result of the illness of a juror, L. F. Prescott, the Pearl Harbor condemnation suit is being practically heard for a second time. At the opening of court yesterday morning Juror Prescott was not in his seat, and Judge Estee stated that his condition was such as to prevent future attendance upon the case.

Judge Silliman, for the Honolulu Plantation Company, said that he was perfectly willing to go ahead with eleven jurors, but United States Attorney Dunne objected, contending that the case was likely to be jeopardized by such a proceeding, and he wanted no legal tangle when it might just as well be avoided. He stated that the best way would be to draw another juror and read to him the evidence already gone over, and then continue the case in its regular order. He said that a decision of the United States Supreme Court had held such action to be legal, and upon Mr. Silliman agreeing to such procedure, Judge Estee ordered that a new juror be drawn. The following order was made in the matter: "One of the jurors, L. F. Prescott, being incapacitated from further service, by consent of both parties he is discharged, and upon like consent it is ordered that the marshal draw five men from the body of the district from whom a substitute may be selected to fill the vacancy caused by the discharge of said Prescott, and that all the proceedings hereinbefore had, be read over to such substitute."

The jury was recalled at 1 o'clock, and the first man examined, M. M. Kohn, proved satisfactory to both parties, and was sworn as a juror in place of Prescott. Three other men were brought in by Marshal Hendry, but their services were not required. These were John M. Davis, George E. Morgan and H. Z. Austin.

The trial then continued with the hearing of further evidence, there being several witnesses who were anxious to get away on an early train. G. F. Renton, manager of Ewa plantation, was the first witness. He fixed the value of the leasehold interest of the Honolulu Plantation Company at \$275,000. On cross-examination he said that he was a member of the Planters' Association, as was also the Honolulu Plantation Company. In reply to a question as to what he based his estimate upon, Mr. Renton stated that he figured on a lease for thirty-nine years, upon 340 acres of sugar land which in his opinion would produce eight and one-half tons of sugar per acre. On each ton he estimated a profit of \$18, and adding to this simple interest at 3 per cent, he thought the lease was worth \$250,000. The improvements he valued at \$25,000, which made up the balance.

Mr. Dunne then moved to strike out the entire testimony on the ground that the estimate was based upon the theory that the land would produce sugar and upon the assumption that this sugar would bring a certain profit. All such estimates he contended were speculative and mere guess work.

The court sustained the objection in so far as it related to the evidence showing how the figures were derived, but allowed the estimate of \$275,000 to remain. "No theoretical testimony can be received," said the court. "All speculative evidence as to value is void, and the court holds that the reasons given are speculative and theoretical, and therefore illegal."

Mr. Dunne contended that the estimate itself as based upon these reasons should also be excluded, but Judge Estee overruled the objection.

F. Meyer, manager of Waianae plantation, was the last witness of the afternoon. He placed the value of the leasehold interest at \$500,000.

"What is the capitalization of the Waianae Sugar Company?" asked Judge Silliman in his examination.

"That question will not be allowed," said the court. "Capitalization does not mean anything, or have anything to do with values; you might just as well capitalize a haystack."

Following the testimony of Manager Meyer, the court ordered the reading of testimony for the benefit of the newly-chosen juror, M. M. Kohn. The remaining jurors, court and attorneys are all compelled to listen to this rehash of the proceedings, and not a word is omitted in the reading. Mr. Dunne reads the examination of his witnesses, while Mr. Silliman reads the cross-examination. Every bit of evidence, remarks of court and of counsel, is read, beginning with the petition, answer, examination of jurors, and continuing to the end. Yesterday in the two hours given to the work about one hundred pages were read, which took in the evidence of Captain Pond, As-

essor Pratt, Assessor Archer and Manager Low, for the plaintiff. There are 400 pages altogether to be gone into, and the reading is likely to occupy the greater part of today, and may continue tomorrow unless a night session is held. Court will open at 9 o'clock this morning, when the reading will be resumed. Nothing has been done yet as regards the visit of the new juror to Pearl Harbor, and he may have to be taken on a trip of inspection as were the other jurors.

OUR SENSITIVE POINT.

There is no greater affliction than to have the skin scarred by smallpox, because there's no help for features so marred. But there are many other disfigurements and blemishes of the skin quite as hard to bear and quite as unpleasant in appearance that can be quickly removed by a few applications of Kikapo Indian Salve. With the exception of the substitution of the purest tallow for the Buffalo fat used by the Indians in its preparation, this salve is the same in the nature of its ingredients and the manner of their combination as they use with such marvelous effect for wounds, sores, bruises, etc. Upon this salve the Indian relies both for his pony and himself, for the salve is just as good for the beast as for his master, and has no equal for the quick healing of cuts, sores, or galls. Kikapo Indian Salve is a simple vegetable preparation, made of herbs, barks, and leaves, which, in their proper combination, have a remarkable soothing and healing power. It is very effective for wounds, old sores, indolent ulcers and cancerous diseases, and most valuable in the treatment of piles, its soothing and cooling properties being instantly felt. It cures all skin diseases, such as tetter, dry, scaly, moist, or itching; erysipelas, pimples or blotches on the face, scald head, barber's itch, and all annoying and disfiguring skin eruptions. It is equally effective in the cure of soft corns and itching piles. There is no other salve can compare with Kikapo Indian Salve, either in the thoroughness of its healing or the purity of its ingredients.

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